

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
-----X  
IN RE:

CHAPTER 13

ALMA I. FUENTES

CASE NO.: 16-43655-nhl

Debtor  
-----X

NOTICE OF MOTION TO DISMISS CHAPTER 13 CASE

PLEASE TAKE NOTICE that upon the annexed affirmation of Richard S. Feinsilver, attorney for the debtor herein, a motion pursuant to 11 U.S.C. Section 1307 shall be made as set forth below:

Judge: Nancy Hershey Lord

RETURN DATE AND TIME: May 17, 2017, 9:30 AM

Place: U.S. Bankruptcy Court  
271C Cadman Plaza East, Room 2529  
Brooklyn NY 11201

RELIEF REQUESTED: Dismiss the instant case pursuant to 11 U.S.C. Section 1307.

BASIS FOR RELIEF REQUESTED: There is sufficient cause to grant this application pursuant to 11 U.S.C. Section 1307.

Dated: Carle Place, New York  
April 27, 2017

s/Richard S. Feinsilver

Richard S. Feinsilver  
Attorney for the Debtor  
One Old Country Road, S 125  
Carle Place, New York 11514  
516-873-6330

TO: US Trustee  
Marianne DeRosa, Esq  
All affected creditors

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X Case No.: 16-43655-nhl  
In re:

ALMA I. FUENTES

APPLICATION TO DISMISS  
CHAPTER 11 CASE PURSUANT  
TO SECTION 1307

Debtors.

-----X

TO THE HONORABLE NANCY HERSHEY LORD, UNITED STATES BANKRUPTCY JUDGE:

The application of ALMA I. FUENTES, by her attorney, Richard S. Feinsilver, the Debtor requests that the above captioned case be dismissed pursuant to 11 U.S.C. Section 1307 And in support thereof avers as follows:

1. The debtor filed a bankruptcy petition pursuant to Chapter 13 of the Bankruptcy Code on August 15, 2016. The debtor last filed plan has not yet been confirmed by this Court.

2. On or prior to October 30, 2016, the debtor's mortgage holder filed a Notice of Change in Post Petition Payment which increased the debtor's monthly obligation from approximately \$1,325.00 per month to in excess of \$3,000.00 per month. As a consequence of the foregoing, the debtor elected to participate in this Court's Loss Mitigation Program. A request was filed on November 3, 2016 and the requisite Order was entered on December 12, 2016. The debtor participated in the Program and received an offer of a trial modification with a trial payment of approximately \$3,000.00 per month. The debtor was unable to accept the trial modification. In addition, the debtor's mortgage holder will not consider an appeal in that the debtor had two previous modifications.

3. Although the debtor has other unsecured debt, as a consequence of a prior discharge in 2012, she is unable to obtain a discharge from this Court until 2012. Upon information and belief, the debtor shall

make arrangements to pay these obligations outside of bankruptcy. As such, it will no longer be necessary to continue the prosecution of the instant case at the present time.

4. Based upon the foregoing, your affiant respectfully requests that this case be dismissed pursuant to 11 U.S.C. Section 1307.

5. Further, upon information and belief, pursuant to the Loss Mitigation Guidelines promulgated by this Court, the debtor is not obligated to continue the prosecution of its case once a decision has been rendered.

6. Based upon the foregoing, the creditor body in this case would not be prejudiced by the dismissal of the debtor's case.

7. Since there is no unique issue at law herein, it is respectfully requested that the filing of a memorandum at law be waived in this matter.

WHEREFORE, applicant prays that the case be dismissed pursuant to 11 U.S.C. Sections 1307 and that the applicant be granted such other and further relief as the court may deem proper.

Dated: Carle Place, New York  
April 27, 2017

s/Richard S. Feinsilver

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Richard S. Feinsilver  
Attorney for the Debtor

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
IN RE:

ALMA I. FUENTES

Case No.:16-43655

CHAPTER 13

Debtor(s)                    AFFIRMATION OF SERVICE

-----X

The undersigned attorney, duly admitted to practice before this Court, affirms the following to be true under the penalties of perjury:

1. That he is the attorney for the debtor in the instant case.
2. That on the 27th day of April 2017, your affiant served a copy of the within Notice of Motion and Supporting Documents in this case upon:

Marianne DeRosa, 125 Jericho Turnpike, Suite 105, Jericho NY 11753  
Alma I. Fuentes, 150-52 115<sup>th</sup> Drive, Jamaica NY 11434  
All creditors and other parties to whom notice is required pursuant to BR 2002.

the address(es) designated by said attorney and party for that purpose by depositing a true copy of same to each attorney and party, VIA first class mail, enclosed in a post paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: April 27, 2017  
Carle Place, New York                    s/Richard S. Feinsilver

\_\_\_\_\_  
RICHARD S. FEINSILVER

Label Matrix for local noticing  
0207-1  
Case 1-16-43655-nhl  
Eastern District of New York  
Brooklyn  
Fri Apr 14 10:00:33 EDT 2017

AMAZON  
PO BOX 960013  
ORLANDO, FL 32896-0013

CAPITAL ONE  
BOX 71083  
CHARLOTTE, NC 28272-1083

Capital One Bank (USA), N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

Figi's Companies Inc  
c/o Creditors Bankruptcy Service  
P O Box 800849  
Dallas, TX 75380-0849

LVNV Funding, LLC its successors and assigns  
assignee of ODYF CL LLC  
Resurgent Capital Services  
PO Box 10587  
Greenville, SC 29603-0587

(p)NATIONSTAR MORTGAGE LLC  
PO BOX 619096  
DALLAS TX 75261-9096

Navient Solutions, Inc. on behalf of  
Department of Education Loan Services  
PO BOX 9635  
Wilkes-Barre, PA 18773-9635

Quantum3 Group LLC as agent for  
GPCC I LLC  
PO Box 788  
Kirkland, WA 98083-0788

US Bank NA as Trustee c/o Nationstar Mortgage  
Lewisville TX ~~75067~~

LVNV Funding LLC  
c/o Resurgent Capital Services  
PO Box 10587  
GREENVILLE, SC 29603-0587

Aldridge Pite LLP  
4375 Jutland Drive, Suite 200  
PO Box 17933  
San Diego CA 92177-7921

CARE CREDIT  
PO BOX 960061  
ORLANDO, FL 32896-0061

Capital One, N.A.  
PO Box 71083  
Charlotte, NC 28272-1083

(p) INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

MILESTONE  
BOX 4499  
BEAVERTON, OR 97076-4499

~~NAVIENT~~  
~~BOX 13611~~  
~~PHILA, PA 19101-3611~~

New York City Water Board  
Andrew Rettig  
Assistant Counsel  
59-17 Junction Boulevard  
Elmhurst, NY 11373-5188

Synchrony Bank  
c/o PRA Receivables Management, LLC  
PO Box 41021  
Norfolk VA 23541-1021

WALMART  
BOX 960023  
ORLANDO, FL 32896-0023

271-C Cadman Plaza East, Suite 1595  
Brooklyn, NY 11201-1801

BARCLAY  
PO BOX 13337  
PHILADELPHIA, PA 19101-3337

CHILDRENS PLACE  
BOX 9001006  
LOUISVILLE, KY 40290-1006

FIGI  
~~3200 SOUTH CENTRAL AVE~~  
~~MARSHFIELD, WI 54404-0002~~

LENDING CLUB  
71 STEVENSON ST  
SUITE 300  
SAN FRANCISCO, CA 94105-2985

Midland Funding LLC  
PO Box 2011  
Warren, MI 48090-2011

Nationstar Mortgage LLC  
c/o Shapiro, DiCaro & Barak, LLC  
One Huntington Quadrangle, Suite 3N05  
Melville, NY 11747  
6 11747-4468

Office of the United States Trustee  
Eastern District of NY (Brooklyn Office)  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, NY 10014-9449

~~U.S. Bank National Association, Trustee, (Se~~  
~~C/O Nationstar Mortgage LLC~~  
~~PO Box 619096~~  
~~Dallas, Texas 75261-9096~~

Alma I Fuentes  
150-52 115th Drive  
Jamaica, NY 11434-1502